

the Voting Rights Act" which he labeled "an affront to federalism and an expensive burden that has far outlived its usefulness."

Given the importance of section 5 of the Voting Rights Act to the ability of African Americans and other racial minorities to achieve equal opportunity in voting, this call for its repeal is deeply disturbing. Thankfully, the Supreme Court and Congress disagreed with Mr. Pryor about the importance of section 5 of the Voting Rights Act.

There was one case involving inmates' rights which I thought was particularly noteworthy. He has been a vocal opponent of the right of criminal defendants. In *Hope v. Pelzer*, Attorney General Pryor vigorously defended Alabama's practice of handcuffing prison inmates to outdoor hitching posts for hours without water or access to bathrooms. The Supreme Court rejected Mr. Pryor's arguments citing the "obvious cruelty inherent in the practice," and calling the practice "antithetical to human dignity" and circumstances "both degrading and dangerous."

In a July 2000 speech, Attorney General Pryor was outspoken in his disdain for the Supreme Court's reaffirmation in *Dickerson v. United States* of the constitutional protection of self-incrimination first articulated in *Miranda*. He called the *Dickerson* decision, authored by Chief Justice Rehnquist an "awful ruling that preserved the worst example of judicial activism."

The list goes on.

In the case called *United States v. Emerson*, Attorney General Pryor filed an amicus brief to argue that a man who was the subject of a domestic violence restraining order should be allowed to possess a firearm.

Let me repeat that.

The man who was the subject of a domestic restraining order should be allowed to own a firearm.

Mr. Pryor called the Government's position a "sweeping and arbitrary infringement on the second amendment right to keep and bear arms." He was the only State attorney general in the United States of America to file a brief in support of that position.

When it comes to tobacco, he has been one of the Nation's foremost opponents of a critical public health issue—compensation for the harms caused by tobacco companies. He has ridiculed litigation against companies stating:

This form of litigation is madness. It is a threat to human liberty, and it needs to stop.

Mississippi Attorney General Michael Moore said:

Bill Pryor was probably the biggest defender of tobacco companies of anyone I know. He did a better job of defending the tobacco companies than their own defense attorneys.

Arizona Attorney General Grant Woods, a Republican, said of William Pryor:

He's been attorney general for about five minutes, and already he's acted more poorly than any other attorney general.

On the issue of environmental protection, time and again he has looked the other way when it comes to protecting our environment.

For people to argue that the only position against William Pryor is based on his religion ignores the obvious. When it comes to his political beliefs, when it comes to his actions as attorney general of Alabama, time and time again he has taken extreme positions.

Should this man be entrusted to a lifetime appointment to the second highest court of the land? I think not. Many others agree with that conclusion.

I certainly hope that when this debate ends, however it ends, that we will call an end to the involvement of religion in this debate.

It has been a sad night for me to listen to what some of my colleagues have said in an effort to promote the political agenda of a certain part of America in an effort to promote the candidacy of an individual. I am afraid many of my colleagues have crossed a line they should never have crossed.

I hope and pray that before we utter the next sentence in relation to the Pryor nomination that each of us who has taken an oath to uphold this Constitution will stop and read article VI:

No religious test shall ever be required as a qualification to any office or public trust in the United States.

Those words have guided our Nation for over 200 years. They should guide each of us in good conscience.

I yield the floor.

Mr. REID. Mr. President, I served in the Congress since 1972. I have had the good fortune to listen to some brilliant statements made on various subjects over 21 years. But I have to say that the statement by the senior Senator from Illinois tonight is the finest statement I have ever heard in some 21 years. I hope the people of Illinois know what pride we have in DICK DURBIN.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAM of South Carolina). Without objection, it is so ordered.

ENERGY POLICY ACT OF 2003— Continued

Mr. FRIST. Mr. President, obviously we have not had the progress we had hoped for on the Energy bill over the course of the last several days. I know that Senators have indicated they still have amendments to the electricity amendment. And it is clear to me there is not a definite sign as to when we might finish that issue.

Members have the ability to slow down this bill. With the lengthy amendment list that is before us, there

are many options to do that. After numerous discussions today, it is clear to me we are not on a course to complete this bill over the next couple of days.

It is important to do. I set out several weeks ago—actually 2 months ago—stating that the objective would be to work aggressively over the course of this final week, having had the bill before us in May, spending a number of days before this week on this bill.

In spite of that commitment on my part to plow ahead, it appears to me now—Wednesday night at 10 o'clock—that the writing is on the wall: We are not going to be able to complete the bill.

Having said that, I think it is important that Members have an opportunity to really prove their commitment to this underlying bill. Again and again, I have heard: Yes, we want to pass a comprehensive national energy policy. Although I hear that, and I express this willingness—and I think that is probably right—it is important, before we leave for this August recess, to see what that commitment really represents. Thus, I will shortly file cloture, and the Senate will have the opportunity to go on record for completing a bill which will accomplish just that—establishing a national energy policy.

Mr. President, in that regard, I now ask unanimous consent to set aside the pending amendments in order for me to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

MOTION TO COMMIT

Mr. FRIST. Mr. President, I send to the desk a motion to commit the pending legislation with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to commit S. 14 to the Committee on Energy and Natural Resources with instructions to report back forthwith with the following amendment numbered 1432.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 1433

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 1433 to instructions of the motion to commit S. 14.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following: "All provisions of Division A and Division B shall take effect one day after enactment of this act."

AMENDMENT NO. 1434 TO AMENDMENT NO. 1433

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 1434 to amendment No. 1433.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 3 of the amendment strike "one day" and insert "two days."

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion.

Bill Frist, Pete Domenici, Orrin G. Hatch, Rick Santorum, Saxby Chambliss, Larry E. Craig, Jon Kyl, Craig Thomas, Charles Grassley, Sam Brownback, Lamar Alexander, Norm Coleman, Mike DeWine, John Cornyn, Mitch McConnell, Gordon H. Smith.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR NO. 169

Mr. FRIST. Mr. President, I now ask unanimous consent that at a time de-

termined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of Calendar No. 169, the nomination of Carolyn Kuhl, to be U.S. Circuit Judge for the Ninth Circuit; further, that there be 4 hours of debate equally divided in the usual form, and that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; finally, I ask consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The Senator from Nevada objects.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. I would ask if the request were modified to 10 or 12 hours, would it be agreed to?

Mr. REID. At this time, it would not.

EXECUTIVE SESSION

NOMINATION OF CAROLYN B. KUHLE, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 169, the Kuhl nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read the nomination of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. FRIST. Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 169, the nomination of Carolyn Hill, of California, to be United States Circuit Judge for the Ninth Circuit.

Bill Frist, Orrin G. Hatch, Ben Nighthorse Campbell, Craig Thomas, Charles Grassley, John Cornyn, Chuck Hagel, Jim Talent, Thad Cochran, Richard Shelby, Wayne Allard, Elizabeth Dole, Conrad Burns, Larry E. Craig, Jeff Sessions, Lindsey Graham of South Carolina, and Rick Santorum.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that we resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, JULY 31, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, July 31. I further ask that following the prayer and pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and the Senate then begin debate in relation to the motion to invoke cloture on the nomination of William Pryor, to be U.S. Circuit Judge for the Eleventh Circuit, with the time until 10 a.m. equally divided between the chairman and the ranking member of the Judiciary Committee, or their designees; provided that at 10 a.m. the Senate proceed to

the vote on the motion to invoke cloture.

I further ask unanimous consent that following the cloture vote, regardless of the outcome, the Senate resume consideration of S. 14, the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow morning the Senate will debate the cloture motion relating to the Pryor nomination until 10 a.m. Following that debate, the Senate will proceed with the cloture vote. Therefore, the first vote of tomorrow's session will be at 10 a.m.

Following the cloture vote, the Senate will resume consideration of S. 14, the Energy bill. It is the chairman's intention to continue to work through amendments tomorrow, and Senators should expect votes throughout the day. As a reminder, cloture was filed in relation to the bill tonight, and that cloture vote will occur on Friday morning.

We have a lot of work to complete prior to adjourning for the scheduled recess. I encourage all Members to make themselves available for a busy day tomorrow.

Mr. REID. Mr. President, if I can say briefly to the majority leader—I am speaking only for this Senator; the ultimate decision will be made, of course,